

REMARKS

As a preliminary matter, Examiner objected to Claims 30 and 31 because of various informalities. Claims 30 and 31 have been canceled and rewritten as new Claims 61 and 62 in order to address Examiner's concerns. Accordingly, Applicants respectfully assert that Claims 61 and 62 are in proper form.

As another preliminary matter, Examiner has rejected Claims 25, 26, and 29 under 35 U.S.C. § 112, as being indefinite. Claims 25, 26, and 29 stand currently amended to address Examiner's concerns. Accordingly, Applicants respectfully assert that Claims 25, 26, and 29 are now in acceptable form. Therefore, Applicants respectfully request Examiner withdraw the rejection of Claims 25, 26, and 29 under 35 U.S.C. § 112, as being indefinite.

The Examiner has rejected Claims 23-28 under 35 U.S.C. § 103(a) as being unpatentable over Joseph Geary, SPIE, 1995, "Chapter 10 – Intensity – Based on Wavefront Testing", pages 151-167 ("Geary").

In addition, the Examiner has objected to Claims 29-40 and 50-54 as being dependent upon a rejected base claim. However, Examiner has conceded that Claims 29-40 and 50-54 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully notes that examiner has failed to address Claim 55. As such, it is Applicants' understanding that, as a dependent claim, Claim 55 would also be allowable if rewritten in independent form.

As a result, Claim 23 has been amended to include all the limitations of Claim 50, and Claim 50 has been canceled.

As stated above, Claims 61 and 62 are new and correspond to Claims 30 and 31, which were objected to, and stand currently canceled. Claims 63 and 64 are also newly added, and are based on a combination of old Claim 23 and Claim 36, and a combination of old Claim 23 and Claim 53, respectively.

Minor amendments were made to Claims 24-29, 32-40, 42-45, 51-55, and 57-60 to improve their form.

Claims 41-45 and 56-60 stand previously withdrawn, and Claims 1-22 and 46-49 stand previously canceled. As stated above, Claims 30, 31, and 50 stands currently canceled.

Claims 23-29, 32-45, 51-64 stand currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 23-29, 32-40, 51-55, and 61-64. An early Notice of Allowance is therefore requested.

I. REJECTION OF CLAIMS 23-28 UNDER 35 U.S.C. § 103(A) BASED ON GEARY

On page 3 of the current Office Action, Examiner rejects Claims 23-28 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Geary. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claim 23 stands currently amended to include all the limitations of Claim 50. Examiner has admitted that Claim 50 would be allowable if rewritten in independent form. Accordingly, Applicants respectfully assert that Claim 23 is now in allowable form, as are corresponding Claims 24-28 because they are each ultimately dependent from Claim 23. Therefore, Applicant respectfully requests that Examiner withdraw the rejection of Claims 23-28 under 35 U.S.C. § 103(a) as being unpatentable over Joseph Geary, SPIE, 1995, "Chapter 10 – Intensity – Based on Wavefront Testing", pages 151-167.

II. OBJECTION TO CLAIMS 29, 32-40, 51-55, 61, AND 62 AS BEING DEPENDENT UPON A REJECTED BASE CLAIM

On page 5 of the current Office Action, Examiner objects to Claims 29, 32-40, 51-55, 61, and 62 (Claims 61 and 62 previously being numbered as Claims 30 and 31 respectively) as being dependent upon a rejected base claim. These objections are respectfully traversed and believed overcome in view of the following discussion.

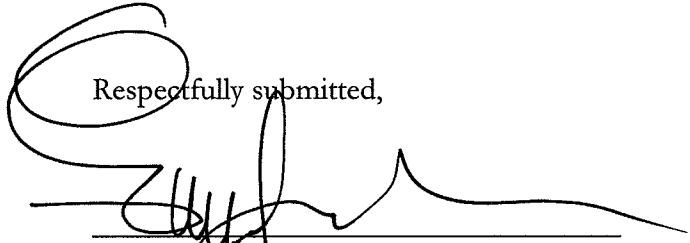
Claims 29, 32-40, 51-55, 61, and 62 are each ultimately dependent from independent Claim 23. As Claim 23 is allowable, so must be Claims 29, 32-40, 51-55, 61, and 62. Accordingly, Applicants respectfully assert that Claims 29, 32-40, 51-55, 61, and 62 are now in allowable form. Therefore, Applicant respectfully requests that Examiner remove the objection of Claims 29, 32-40, 51-55, 61, and 62 as being dependent upon a rejected base claim.

III. NEW CLAIMS 63 AND 64

New Claims 63 includes all the limitations of old Claim 23 and Claim 36. New Claims 64 includes all the limitations of old Claim 23 and Claim 53. Examiner has admitted that Claims 36 and 53 would be allowable if rewritten in independent form. Accordingly, Applicants respectfully assert that new Claims 63 and 64 are in allowable form. Therefore, Applicant respectfully requests that Examiner allow Claims 63 and 64.

Based upon the above remarks, Applicants respectfully requests reconsideration of this application and its early allowance. Should Examiner feel that a telephone conference with Applicants attorney would expedite the prosecution of this application, Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eugene LeDonne', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

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